

ESTATE OF SUSIE LEE SPENCER—VETO MESSAGE

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1045) ENTITLED "AN ACT FOR  
THE RELIEF OF THE ESTATE OF SUSIE LEE SPENCER"

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MAY 21 (legislative day, MAY 12), 1952.—Read; referred to the Committee on  
the Judiciary and ordered to be printed

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*To the United States Senate:*

I return herewith, without my approval, S. 1045, for the relief of the estate of Susie Lee Spencer.

This enactment proposes payment of \$7,500 to the estate of Susie Lee Spencer, of Spartanburg, S. C., a Federal employee who was killed in 1943 during the course of her employment. Death resulted from the negligence of a fellow employee. The claim of her husband for death compensation under the provisions of the Federal Employees' Compensation Act was denied upon the ground that he was not wholly dependent upon her for support at the time of death.

This enrollment is substantially the same as H. R. 1026, of the Eighty-first Congress, which I returned to the Congress without my approval. In principle, it is also the same as H. R. 1481 of that Congress, a bill for the relief of the estate of Julius Zaffareni, which I disapproved on May 3, 1950.

In declining to concur in these enactments, I indicated my belief that bills providing monetary awards in cases such as these circumvent the basic concept of the Federal Employees' Compensation Act to provide compensation to those persons only who were dependent upon the deceased employee and were deprived by his death of a

means of support. I expressed the view that it was wise and reasonable for the Congress to make the program provided by the Federal Employees' Compensation Act, even though circumscribed in some respects, the exclusive form of recovery from the Government. A Federal employee and his dependents, for whatever other rights of redress they surrender, get in return the assured and orderly protection, independent of the question of fault or negligence, which the law guarantees to them and their surviving dependents when death occurs during employment. I further said that I could find no reason why this principle should apply to the judicial process and not prevail in the legislative process.

S. 1045 is inconsistent with the principles of the dependency requirements and the exclusive remedy provisions of the Federal Employees' Compensation Act, even though the exclusive remedy section was not added until 1949. If the Congress believes there is reason to depart from the policy of this act, in order to permit payment of death compensation to a nondependent husband of a Federal employee, I believe this should be done through general legislation rather than by making individual exceptions through the enactment of private relief measures. Such private relief enactments, in effect, would provide preferential treatment for some individuals and would be discriminatory against the general class of persons subject to the provisions of the Federal Employees' Compensation Act.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 21, 1952.

S. 1045

EIGHTY-SECOND CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON TUESDAY, THE EIGHTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FIFTY-TWO

AN ACT For the relief of the estate of Susie Lee Spencer

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Susie Lee Spencer, of Spartanburg, South Carolina, the sum of \$7,500, in full satisfaction of all claims against the United States for compensation for the death of the said Susie Lee Spencer sustained as a result of an accident involving a United States Navy locomotive at the Norfolk naval shipyard, Norfolk, Virginia, on December 11, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SAM RAYBURN,

*Speaker of the House of Representatives.*

ALBEN W. BARKLEY,

*Vice President of the United States and President of the Senate.*

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

LESLIE L. BIFFLE, *Secretary.*

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